

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject patent application in light of the changes above and the remarks that follow. By this Amendment, claims 1-3 and 9-12 have been cancelled, claims 19-24 have been added and claims 4-8 and 13-18 have been amended.

The changes to claims 4-8 and 13-18 clarify the recited subject matter and update the claims' dependencies. New independent claims 19-24 are directed to subject matter similar to that of cancelled independent claims 1-3 and 9-12, and include additional subject matter that clarifies the recited embodiments. Support for the subject matter of claims 19-24 may be found in the as-filed specification at, for example, page 4, line 13 to page 5, line 28, page 35, line 12 to page 36, line 12, FIG. 7, elements 16-18, and FIG. 8, elements 101, 102 and 107. Claims 3-8 and 13-24 are now pending.

A. Rejection of Claims 1-18 under 35 U.S.C. § 112, Second Paragraph

Claims 1-18 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for using the terms "and/or" and "for example." Applicant has amended the claims to remove these terms. Reconsideration and withdraw of the rejection under § 112 is respectfully requested.

B. Rejection of Claims 1-18 under 35 U.S.C. § 102

As noted above, claims 1-3 and 9-12 have been cancelled and claims 4-8 and 12-18 now depend from new claims 19 and 22. As such, the rejection of claims 1-18 under 35 U.S.C. § 102(b) as being anticipated by *Elgaard* (WO 03/051067) is moot.

C. New Claims

Applicant respectfully submits that *Elgaard* cannot support a rejection of new claim

19. Independent claim 19 recites, *inter alia*, “an intelligent portable data object” including “a contact interface device and a contactless interface device” wherein the “intelligent portable data object is configured to reset in the event of simultaneous operation of both of said interfaces” and “based on … stored state information, prevent[s] the reset of the portable data object by the contact interface.” *Elgaard* does not disclose or suggest at least these features of claim 19. Accordingly, *Elgaard* cannot support a rejection of claim 19.

Independent claim 22, although having a different scope than claim 19, recites subject matter similar to that in claim 19. Accordingly, *Elgaard* also cannot support a rejection of claim 22. Furthermore, *Elgaard* cannot support a rejection of claims 4-8, 13-18, 20, 21, 23 and 24 at least due to these claims’ corresponding dependence from claims 19 and 22, in addition to reciting other allowable subject matter.

Conclusion

For the reasons set forth above, Applicant respectfully requests the rejections of the pending claims be withdrawn and this application allowed. If additional fees are required for any reason, please charge Deposit Account No. 02-4800 the necessary amount.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 1, 2010

By: /Steven Ashburn/
Steven Ashburn
Registration No. 56636

Customer No. 21839
703 836 6620